



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

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September 12, 2011

U.S. Department of Transportation
Federal Railroad Administration
1120 Vermont Ave., N.W. (7th Floor)
Washington, DC 20005
Attn: Mr. John Winkle

Subject: EPA Comments on the Draft Environmental Impact Statement (DEIS)
for the Tupelo Railroad Relocation Project
CEQ No. 20110190; ERP No. FRA-E40838-MS
City of Tupelo, MS, Lee County

Dear Mr. Winkle:

The U.S. Environmental Protection Agency (EPA), Region 4, participated in an interagency scoping meeting on August 14, 2006 and agreed to act as a cooperating agency on August 25, 2006 and provided scoping comments on August 29, 2006. Consistent with our responsibilities under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act (NEPA), EPA Region 4 has evaluated the consequences of the Mississippi Department of Transportation's (MDOT) and the Federal Railroad Administration's (FRA) proposed relocation of the existing Burlington Northern Santa Fe Railway Company (BNSF) main rail line through the City of Tupelo, Mississippi.

The purpose of the project is to evaluate options to improve mobility and safety by reducing roadway congestion resulting from train traffic moving through the City of Tupelo, especially at the intersection of Main and Gloster Streets (locally referred to as Crosstown). Initially a No-Build and several Build Alternatives were considered. The Build Alternatives included rail operational improvements, in-town grade separations of the railroad and highways and alternative corridors. However, through the scoping and alternatives analysis process all of the Build alternatives were eliminated except for a proposed elevated rail viaduct with the relocated interchange yard (Alternate M).

The preferred Build Alternative (Alternate M) is approximately 25 miles long with approximately 2.9 miles of new elevated track construction and an additional 0.9 miles of new track for the rail interchange. The main line railroad improvements are primarily located within the existing BNSF right-of-way. Nevertheless, the DEIS indicates that the proposed project may impact up to 350 linear feet of streams (4 stream crossings), three 303(d) listed streams, 10 acres within the 100-year floodplain, 76 noise sensitive sites (severe impacts), 46 vibration receptors/sites, 37 visual impacts to historic sites or districts and 1 business relocation. However, this alternative would avoid any new crossings of the Natchez Trace Parkway.

Based on our review of the DEIS, EPA's environmental concerns are related to noise and vibration, water resources and the visual impacts to historic resources associated with the proposed rail relocation project.

Noise and Vibration - According to the DEIS, the noise and vibration impacts anticipated with the construction of Build Alternative are associated with the pile driving near existing structures. The implementation of the Build Alternative will result in severe noise impacts to 76 receptors while 46 receptors will be affected by vibration. With the proposed Build Alternative, the number of noise receptors along the project corridor that experience severe noise will actually decrease from the No-Build's 128 receptors to 76. The DEIS states that, "the elevated rail viaduct and rail interchange yard would decrease the noise impacts from train horns through Tupelo and create a quiet zone "through downtown Tupelo." It also notes that further noise reductions are possible by reducing the train's proposed operating speed. However, reducing the train's proposed operating speed was not deemed to be a viable mitigation strategy because it was inconsistent with the project's goal and purpose and need.

While the number of severe noise sites decrease with the preferred alternative, EPA notes that the number of residential receptors affected by the vibration from the railroad tracks will actually increase from 26 to 46 due to the proposed increase in train speed. Again, the DEIS indicates that the mitigation measures examined would only minimally reduce the vibration impacts and would not be cost-effective. The DEIS also notes that the anticipated increase in vibration is "well below the damage threshold."

EPA Recommendation: EPA appreciates the efforts made to reduce the number of noise impacted sites in the project area. The FEIS should discuss additional noise abatement measures to further reduce the number of noise sensitive impact sites (i.e., construction of noise barriers, installation of soundproof windows, brake technologies, and rail and wheel absorbers, etc) and their feasibility. In addition, measures to reduce the pile driving noise during construction should also be discussed. These measures may include hiring a qualified acoustical engineer consultant to develop noise mitigation strategies, installing sound absorbing blankets, restricting work times in residential areas from 7:00 a.m. – 7:00 p.m. and installing noise and vibration monitors.

Water Resources – According to the DEIS, the Build Alternative will only perpendicularly cross three regulatory floodways, two of which are already crossed by the existing BNSF main rail line. One wetland area near the Natchez Trace Parkway crossing will also be impacted by this alternative. This impact is described as "temporary" because it would be impacted by a temporary rail line while the permanent rail line was being constructed. In addition to the floodway crossings and the wetland fills, the DEIS indicates that approximately 350 linear feet of streams will be impacted by the Build Alternative. Extended bridge crossings are proposed to minimize impacts to streams and to accommodate a future second track.

The DEIS indicates that stream organisms are expected to be displaced during the construction of the bridge. However, the DEIS caveats the statement by suggesting that the aquatic organisms are expected to return once the construction activities cease. EPA has some concerns about the

fact that aquatic organisms will be displaced (even “short-term”) in a reach of a 303(d) listed stream that is biologically impaired.

In the project area, there are three major streams (Town Creek, Mud Creek, and Kings Creek) that are impaired due to their relative inability to satisfy their designated use for aquatic life. The proposed Build Alternative would lie within the existing railroad right-of-way, and would have much less impact to the surrounding streams compared to some of the previously examined alternatives. The impacts would be limited to bridge widening and a new crossing of Kings Creek for the BNSF-Kansas City Southern interchange.

EPA Recommendations: EPA notes the efforts made to select a Build Alternative that minimizes the impacts to wetlands, floodplains and streams. We also note that wetlands that are filled for a “temporary” rail line, are still impacted and any impact to wetlands needs a baseline assessment and needs to be compensated, albeit onsite, according to the documentation required by the 2008 Mitigation Rule. In addition, EPA notes that the proposed bridge crossings may provide some opportunity to allow more space for the stream to flood and the floodway to be unencumbered. It may be an appropriate consideration to construct the bridges to allow enough area for a natural stream design floodprone area. Eventually, channel downcutting and bank instability may need to be addressed; so planning for that need by bridging at an appropriate width is appropriate. EPA also recommends that MDOT and FRA consult with MDEQ on best management practice measures to ensure that the construction of the rail line does not result in any further degradation to impaired waterbodies within the project area.

Historic Resources - The proposed railroad relocation and elevated design will visually impact Historic Sites and Districts. According to the DEIS, there are four historic districts and 34 architectural resources that are National Registry of Historic Places (NRHP)-listed or NRHP-eligible properties or historic districts within the Area of Potential Effect that could experience adverse visual impacts. MDOT and FRA are consulting with the State Historic Preservation Office (SHPO) and the Mississippi Department of Archives and History (MDAH). In addition to the state agencies listed above, the lead agencies are also coordinating with the Chickasaw Nation and the City of Tupelo on a Memorandum of Agreement (MOA) to address these visual effects during the final design and construction phases of the project. According to FRA and MDOT, the visual effects of the Build Alternative will not affect the “functions or qualities of the affected historic resources which made those resources eligible for the NRHP.

Recommendation: EPA supports MDOTs and FRA’s coordination efforts and recommends that the final MOA be included in the FEIS along with other documented coordination, consultation or concurrence activities. We appreciate the inclusion of both the visual renderings of the elevated rails lines and retaining walls at specific locations along the corridor and the listing of potential resources, sources of the visual impact and preliminary mitigation strategies for addressing those impacts closest to the proposed Build Alternative. EPA requests that a final copy or summary of the finalized MOU be included in the FEIS that describes the specific strategies that will be used to mitigate (i.e., aesthetic design, etc) for the adverse visual impacts.

Based on our review of the DEIS, EPA assigned a rating of EC-2 (Environmental Concerns - with more information requested) to the document. Specifically, more information is requested regarding additional noise reduction strategies, water resources and historic resources. Enclosed is a summary of definitions of EPA ratings.

We appreciate the opportunity to provide these comments and look forward to reviewing the FEIS for the proposed project. If you have any further questions or concerns, you may contact Ntale Kajumba at (404) 562-9620 or kajumba.ntale@epa.gov and William Ainslie of the Wetlands Regulatory Branch at (404) 562-9400 or ainslie.william@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mueller", with a stylized flourish at the end.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure: EPA Rating Definition